



June 2007

## **Information Request Questions: Financial – Trusts**

1. Identify the person(s) answering these questions.
2. For the [Name of first trust that you believe bears liability and therefore you need to evaluate its ability to pay]:
  - a. State the form of trust (e.g., nominee trust, pourover trust, real estate trust, donative trust etc.) and the specified state legal authority under which the trust was formed (e.g., [state e.g., MA] General Laws Chapters [182 or 203], etc.);
  - b. State the year the trust was created;
  - c. If the trust no longer exists, state: (1) the year the trust was terminated, dissolved, or liquidated; and (2) to whom the assets of the trust were distributed;
  - d. If the trust no longer exists, state: (1) the net worth of the trust at the time of termination; and (3) the dollar value of the assets distributed to each party;
  - e. Briefly state the nature of the trust's activities and purposes;
  - f. List and identify all beneficiaries of the trust;
  - g. State the total value of payments and distributions to each beneficiary of the trust during the period being investigated. Break out the total income/payment of each beneficiary on an annual basis during years being investigated.
  - h. List and identify all trustees, administrators, or other fiduciaries of the trust, and state the period during which each one served in that capacity.
  - i. State the total value of compensation paid to each such trustee during the period being investigated. Break out the total compensation of each trustee on an annual basis for years being investigated.
  - j. Provide copies of the Declaration of Trust and any other documents that memorialize or evidence the creation of the trust.
  - k. Provide copies of all amendments to the trust.
  - l. Provide copies of all deeds, transfer certificates of title, and other documents that memorialize or evidence transfers of any property interest with a market value of \$10,000 or more to or from the trust during the period being investigated.
  - m. Provide a description of all real estate currently owned by the trust (including all shared interests such as co-ownership, partnership, or other types of property interests), including: location and address; nature of interest; and date when the property was purchased.
  - n. If during the past five years, any real estate in which the trust had a property interest was appraised for insurance policies, bank loans, tax assessments, or any other purpose:
    - i. Describe the property appraised;
    - ii. State the purpose of the appraisal;
    - iii. Provide the appraised value;

- o. If during the past five years, any real estate in which the trust has a property interest was rented or leased to any person:
    - i. Describe the property rented or leased;
    - ii. State the dates when such property was rented or leased;
    - iii. Identify all persons to whom such property was rented or leased; and
    - iv. State the amount of rent paid for each rental or lease.
  - p. If the trust, or anyone on behalf of the trust, is in the process of selling any real estate under contract, provide:
    - i. A detailed description and address of the property;
    - ii. Name of the seller;
    - iii. Name of the buyer;
    - iv. Contract price.
  - q. If anyone is holding any real estate or personal property on behalf of the trust, provide the following information:
    - i. Nature of the agreement;
    - ii. The name of the person holding such property;
    - iii. A detailed description of such property; and
    - iv. The market value of such property.
3. For the [Name of second liable trust, third liable trust, etc.-- repeat previous questions for all remaining trusts you believe are liable]:
4. [If there is a trust that you do not yet know whether or not it may be liable, here are questions to get basic information without seeking all the above information:

For the [name of trust--repeat for additional trusts if necessary] Trust:

- a. State the form of trust (e.g., nominee trust, pourover trust, Totten trust, etc.) and the specified state legal authority under which the trust was formed (e.g., Massachusetts General Laws Chapters 182 or 203, etc.);
  - b. State the year the trust was created;
  - c. If the trust no longer exists, state: (1) the year the trust was terminated, dissolved, or liquidated; and (2) to whom the assets of the trust were distributed;
  - d. Briefly state the nature of the trust's activities and purposes;
  - e. List and identify all beneficiaries of the trust;
  - f. List and identify all trustees, administrators, or other fiduciaries of the trust, and state the period during which each one served in that capacity.
5. Has the Respondent or anyone else engaged, retained, contracted, or arranged with any other person or other entity not already been identified in the responses to the previous questions for the purposes of investing, managing, maintaining, or holding any of the assets of any of the [list trusts] (collectively, the "Trusts") ? If so, for each and every situation for each trust:
- a. Identify the person or entity and the associated trust;
  - b. Describe the nature of the services rendered, including a description of the assets invested, managed, maintained, or held;
  - c. Provide the commencement and expiration dates for each service; and
  - d. Describe all benefits (or liabilities) incurred by the trust as a result of the service provided.

6. List of all bank accounts for each of the Trusts, including the name and address of each banks, the account numbers, and the years such accounts were active.
7. Provide copies of all federal tax returns (income tax, gift tax, estate tax, or other) for each of the Trusts from [date] to the present.
8. Provide copies of all state tax returns (income tax, gift tax, estate tax, or other) for each of the Trusts from [date] to the present.
9. Identify and provide copies of all income statements for each of the Trusts.
10. Identify and provide copies of all financial statements, financial reports, and financial projections (whether audited or unaudited), including accompanying footnotes and auditor's reports, that were prepared by, for, or on behalf of the trust, trustees, or beneficiaries for each of the Trusts.
11. Identify and provide copies of all trust statements of cash flow for each of the Trusts.
12. Identify and provide copies of all trust balance sheets and all other documents showing receipts and expenditures, assets and liabilities, profits and losses, distributions of corpus and income (including the name and social security numbers of beneficiaries), and all other records used for recording the financial affairs for each of the Trusts.
13. Identify and provide copies of all documents showing the amount, source, and accounting basis of initial and subsequent transfers to the trust for each of the Trusts.
14. Identify and provide copies of all documents that memorialize or evidence distributions of corpus or of income from each of the Trusts including but not limited to:
  - a. Fair market value.
  - b. Basis of property to beneficiaries.
  - c. Gain or loss on in-kind distributions.
15. Identify and provide copies of all documents showing actual or proposed agreements between each of the Trusts and other persons.
16. Identify and provide copies of all documents that memorialize or evidence the appointment, resignation, replacement, or other change of status for each trustee for each of the Trusts.
17. Identify and provide copies of all documents that memorialize or evidence transactions between the Trusts and their trustees, beneficiaries, and/or grantors.
18. Identify and provide copies of all documents that memorialize or evidence:
  - a. Investments of each of the Trusts, including but not limited to investments in real estate, notes, and stock;
  - b. The subsequent disposition of these investments.
19. Identify all documents that memorialize or evidence liability and/or life insurance owned by each of the Trusts, including but not limited to:
  - Name, address, and social security number of the insured.
  - Name and address of insurance company.
  - Policy number and face amount of insurance policy.
  - Beneficiaries.
20. Identify those individuals and entities who performed the accounting functions, or who prepared journals, work papers, financial statements or tax returns, or performed similar functions for each of the Trusts.